NPDES PERMIT NO. NM0030376
FACT SHEET

FOR THE DRAFT NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT TO DISCHARGE TO WATERS OF THE UNITED STATES

APPLICANT

Public Service Company of New Mexico
Rio Bravo Generating Station
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ISSUING OFFICE

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DATE PREPARED

January 14, 2015

RECEIVING WATER - BASIN

An unnamed arroyo to South Diversion Channel – Segment No. 20.6.4.97 NMAC – Rio Grande

PERMIT ACTION

Proposed reissuance of the current NPDES permit issued January 21, 2010, with an effective date of March 1, 2010, and an expiration date of February 28, 2015.

Unless otherwise stated, citations to 40 CFR refer to promulgated regulations listed in Title 40, Code of Federal Regulations, revised as of November 3, 2014.

DOCUMENT ABBREVIATIONS

BAT - best available technology economically achievable
BMP – best management plan
BOD_5 – five-day biochemical oxygen demand
BPJ - best professional judgment
CD – critical dilution,
CFR – Code of Federal Regulations
cfs – cubic feet per second
COD – chemical oxygen demand
COE – United States Corp of Engineers
CWA – Clean Water Act
DMR – discharge monitoring report
EPA – United States Environmental Protection Agency
ELG – Effluent Limitation Guidelines
ESA - Endangered Species Act
F- Fahrenheit
F&WS – United States Fish and Wildlife Service
MGD – million gallons per day
NMAC – New Mexico Administrative Code
NMED – New Mexico Environment Department
NMWQS - New Mexico State Standards for Interstate and Intrastate Surface Waters
NM IP - Procedures for Implementing NPDES Permits in New Mexico, July 2009
NPDES – National Pollutant Discharge Elimination System
MQL - minimum quantification level
O&G – oil and grease
RP – reasonable potential,
SIC - standard industrial classification
SWQB – Surface Water Quality Bureau
TDS – total dissolved solids
TMDL – total maximum daily load
TRC – total residual chlorine
TSS – total suspended solids
UAA – use attainability analysis
USGS – United States Geological Service
WET - whole effluent toxicity
WQCC – New Mexico Water Quality Control Commission
WQMP – Water Quality Management Plan
WWTP – wastewater treatment plant

I. CHANGES FROM THE PREVIOUS PERMIT

Changes from the permit previously issued January 21, 2010, with an effective date of March 1, 2010, and an expiration date of February 28, 2015, are:

A. Add effluent limitation and monitoring requirements for total arsenic;
B. Add effluent limitations and monitoring requirements for oil & grease;
C. Change pH limitation range from 6.6-9.0 to 6.0-9.0;
D. Delete mass loading limitations for TSS;
E. Delete effluent limitations and monitoring requirements for zinc;
F. Delete monitoring and reporting requirements for one-time monitoring and reporting for Biochemical Oxygen Demand, 5-day (BOD_5), Chemical Oxygen Demand (COD), Total Organic Carbon (TOC), Ammonia (as N), Nitrate-Nitrite (as N), Antimony (dissolved), Arsenic (dissolved), Beryllium (dissolved), Cadmium (dissolved), Copper (dissolved), Lead (dissolved), Mercury (total), Nickel (dissolved), Selenium (total), Silver (dissolved), Thallium (dissolved), Cyanide (weak acid dissociable), Phenols, Aldrin, Chlordane, 4,4'-DDT and derivatives, Dieldrin, Hexachlorobenzene, PCBs, and Tetrachloroethylene.

II. DISCHARGE LOCATION

The power plant is located at 725 Electric Avenue SE, in Albuquerque, Bernalillo County, New Mexico. The site location is 0.2 miles west of Interstate 25 and approximately 1.5 miles southwest of the Albuquerque International Airport. The discharge is to an unnamed arroyo located on the north side of the facility. The arroyo discharges to the Albuquerque Metropolitan Arroyo Flood Control Authority (AMAFCA), South Diversion Channel (approximately 225 feet from the outfall). The South Diversion Channel reaches the Rio Grande approximately 2 miles from the confluence with the arroyo.

The discharge through Outfall 001 is located at Latitude 35° 01' 34" North and Longitude 106° 38' 30" West.

III. RECEIVING STREAM STANDARDS

The general and specific stream standards are provided in NMWQS (20.6.4 NMAC, amended through June 5, 2013).

The facility discharges into an unnamed arroyo thence to AMAFCA South Diversion Channel, thence to the Rio Grande, in segment number 20.6.4.105 of the Rio Grande Basin in direct response to precipitation events. The designated uses of this arroyo, in Water Quality Segment No. 20.6.4.97, are wildlife habitat, livestock watering, limited aquatic life and secondary contact. The State conducted a Use Attainable Assessment (UAA) to support the determination that the aquatic life designation in the stream does not meet the CWA §101(a)(2) objective as required by 40 CFR 131.10(j)(1).

IV. APPLICANT ACTIVITY

Under the Standard Industrial Classification (SIC) Code 4911, the applicant operates a 132-megawatt simple cycle, combustion gas turbine, electric-power generating station. The facility is also equipped to operate on diesel fuel. The facility is used to provide electrical power during periods of peak demand, typically during the summer.

The facility generates electricity through the use of gas turbine. Ambient air is drawn through an air filtration/evaporation intake structure located on the front end of the turbine. Groundwater pumped from an on-site production well to an aboveground storage tank is directly contacted with the intake air. In order to keep the concentration of dissolved solids within system design limits, a portion of the circulated water is periodically blown down. The blow down water is discharged from the evaporative cooler to a small plastic aboveground surge tank, and then discharged via Outfall 001.

The operator estimates that the facility is used approximately 500-hours per year, and when the system is running at night and the ambient air conditions are cool, the evaporative cooler is not used. The facility generally is not used during the winter.

V. DISCHARGE DESCRIPTION AND OPERATIONS

Procedures for Implementing NPDES Permits in New Mexico, March 2012, has adopted monitoring requirements for human health-organism only (HH-OO) pollutants. To ensure human health is protected, the effluent must be analyzed for reasonable potential by screening for those pollutants which have numeric human health criteria. This policy applies to all industrial dischargers. Because the discharge from Rio Bravo Generating Station is to segment 20.6.4.97 NMAC, only persistent HH-OO pollutants are required for a one-time testing. The current permit issued on January 21, 2010, identified the following pollutants still requiring testing because effluent data were not provided to EPA when EPA developed the permit in 2010: Biochemical Oxygen Demand, 5-day (BOD_5), Chemical Oxygen Demand (COD), Total Organic Carbon (TOC), Total Suspended Solids (TSS), Hardness ($CaCO_3$), Ammonia (as N), Total Residual Chlorine (TRC), Nitrate-Nitrite (as N), Antimony (dissolved), Arsenic (dissolved), Beryllium (dissolved), Cadmium (dissolved), Copper (dissolved), Lead (dissolved), Mercury (total), Nickel (dissolved), Selenium (total), Silver (dissolved), Thallium (dissolved), Cyanide (weak acid dissociable), Phenols, Aldrin, Chlordane, 4,4'-DDT and derivatives, Dieldrin, 2,3,7,8-TCDD dioxin, Hexachlorobenzene, PCBs, and Tetrachloroethylene. Values (in mg/l) were reported in the July 2012 DMR as shown below:

BOD_5 = 3.5, COD = 17.5, TOC = 3.5, TSS = 11 lb/day, Hardness ($CaCO_3$) = 170, Ammonia (as N) = 0, TRC = 0.015, Nitrate-Nitrite (as N) = 0, Antimony (dissolved) = 0, Arsenic (dissolved) = 0.0186, Beryllium (dissolved) = 0, Cadmium (dissolved) = 0, Copper (dissolved) = 0.00111, Lead (dissolved) = 0, Mercury (total) = 0, Nickel (dissolved) = 0.00271, Selenium (total) = 0.00142, Silver (dissolved) = 0, Thallium (dissolved) = 0, Cyanide (weak acid dissociable) = 0, Phenols = 0, Aldrin = 0, Chlordane = 0, 4,4'-DDT and derivatives = 0, Dieldrin = 0, 2,3,7,8-TCDD dioxin = 0, Hexachlorobenzene = 0, PCBs = 0, and Tetrachloroethylene =0.

Analytical methods with less sensitive detection levels than EPA's MQLs were used for arsenic, beryllium, copper, lead, nickel, silver, thallium, and 2,3,7,8-TCDD dioxin. But, because all, except 2,3,7,8-TCDD, detection levels used were below applicable WQS, re-tests are not proposed except for 2,3,7,8-TCDD dioxin. EPA proposes to remove the one-time monitoring requirement for HH-OO pollutants, except for 2,3,7,8-TCDD because the permittee has provided monitoring results for those pollutants. If during the public comment period, the permittee provides effluent data for 2,3,7,8-TCDD dioxin using an analytical method which can detect MQL = 0.00001 µg/l or below, EPA will evaluate the RP based on the new data.

The following values were reported in the Application Form 2C, dated August 27, 2014.

Parameter	Maximum
pH	7.72 s.u.
Flow	0.072 MGD
Total Residual Chlorine	0.14 mg/l
Biochemical Oxygen Demand (BOD)	13 mg/L
Chemical Oxygen Demand (COD)	51.8 mg/l
Total Organic Carbon (TOC)	16 mg/l
Total Suspended Solids (TSS)	< 4.0 mg/l
Ammonia (as N)	< 1.0 mg/l
Zinc	< 0.01 mg/l

The highest monthly average flow reported in the Application is 0.072 MGD and will be used to establish loading limits and determining critical dilutions in the permit.

VI. DRAFT PERMIT RATIONALE AND PROPOSED PERMIT CONDITIONS

The proposed effluent limitations for those pollutants proposed to be limited are based on regulations promulgated at 40 CFR 122.44. The draft permit limits are based on either technology-based effluent limits pursuant to 40 CFR 122.44(a), on BPJ in the absence of guidelines, NM WQS and/or requirements pursuant to 40 CFR 122.44(d), whichever are more stringent.

A. REASON FOR PERMIT ISSUANCE

The current permit was issued January 21, 2010, with an effective date of March 1m 2010, and an expiration date of February 28, 2015. The permit renewal application was received August 29, 2014.

It is proposed that the permit be issued for approximately a 5-year term following regulations promulgated at 40 CFR 122.46(a).

B. OVERVIEW of TECHNOLOGY-BASED VERSUS WATER QUALITY STANDARDS-BASED EFFLUENT LIMITATIONS AND CONDITIONS

Regulations contained in 40 CFR 122.44 NPDES permit limits are developed that meet the more

stringent of either technology-based effluent limitations guidelines, numerical and/or narrative water quality standard-based effluent limits, or the previous permit.

Technology-based effluent limitations are established in the proposed draft permit for TSS and zinc. Water quality-based effluent limitations are established in the proposed draft permit for pH and TRC. Additional "Report Only" monitoring for hardness (expressed as $CaCO_3$) is retained from the current to evaluate reasonable potential for hardness (expressed as $CaCO_3$)-dependent metals.

C. TECHNOLOGY-BASED EFFLUENT LIMITATIONS/CONDITIONS

1. General Comments

Regulations promulgated at 40 CFR 122.44(a) require technology-based effluent limitations to be placed in NPDES permits based on effluent limitations guidelines where applicable, on BPJ in the absence of guidelines, or on a combination of the two.

Based on BPJ, the evaporator blow down water from this facility is a low volume waste source. Therefore, the ELG will be designated under 40 CFR 423.12 (b)(3). The facility does not utilize its gas turbine thermal cycle in conjunction with a steam water system as the thermodynamic medium. However, its discharge is the result of the operation of a generating unit (gas turbine) by an establishment primarily engaged in the generation of electricity for distribution and sales (40 CFR 423.10). Since the end result of this facility and a steam electric power station is the same and the process is similar, BPJ dictates that this facility will maintain an ELG under the Steam Electric Power Generating Point Source Category 40 CFR 423.12(b)(3).

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS			
	lbs/Day		mg/l (unless noted)	
Parameter	30-Day Avg.	Daily Max.	30-Day Avg.	Daily Max
Flow	N/A	N/A	Measure MGD	Measure MGD
Oil & Grease	N/A	N/A	15	20
Total Suspended Solids	N/A	N/A	30	100

EPA proposes not to establish loading limitations as included in the current permit because the facility does not regularly or continuously discharge, and concentration limitations will ensure the BPT is used to control pollutants of concern. The current permit has established limitations for zinc as ELG-based limits for low volume waste source. Because zinc is not an ELG for low volume waste, ELG-based limitations of 1.0 mg/l for total zinc are proposed to be removed from the draft permit. The ELG for cooling tower blowdown has zinc limit and the permit has replaced the ELG zinc limit with a narrative prohibition provision as discussed in subsection C.2 below.

Effluent limitations and monitoring requirements for oil and grease were not established in the

current permit and EPA proposes to add them in the new permit.

EPA has established a narrative condition to all electric plants "There shall be no discharges of metal cleaning wastes or chemical metal cleaning wastes." The BPJ-based narrative condition is proposed to add to the permit.

EPA has also applied an ELG-based narrative condition to all electric plants "There shall be no discharge of transformer fluid containing polychlorinated biphenyl (PCB) compounds." The ELG-based narrative condition is proposed to add to the permit.

2. Chromium and Zinc

The current permit has established a narrative BPJ-based effluent limitations for chromium and zinc. A narrative provision of "If cooling tower maintenance chemicals are required, the permittee must not use chemicals that contain the 126 priority pollutants (listed at 40 CFR 423, Appendix A)." has been applied to all electric facilities in NM to prohibit any chemical product which contains priority pollutants including chromium and zinc to be used to treat the cooling system. The provision of prohibition of 126 priority pollutants is based on the ELG provision of 40 CFR 423.13, and EPA has taken a more protective measure to include prohibitions of chromium and zinc. This narrative provision, however, does not apply chromium or zinc contained in the source water or due to other sources of contribution. If either chromium or zinc is detected in the discharge, it would be subject to RP screening against applicable WQS.

D. MONITORING FREQUENCY FOR LIMITED PARAMETERS

Regulations require permits to establish monitoring requirements to yield data representative of the monitored activity, 40 CFR 122.48(b), and to assure compliance with permit limitations, 40 CFR 122.44(i)(1). The technology based pollutants; TSS and oil & grease are proposed to be monitored once per week. Flow is proposed to be monitored daily when discharging. Sample type for TSS and oil & grease is by grab.

E. OPERATION AND REPORTING

The applicant is required to operate the treatment facility at maximum efficiency when online. The facility's discharge is to be monitored as establisher above while reporting results quarterly. The monitoring results will be available to the public.

F. CWA 316(b)

This facility uses well water for cooling purposes so it is not subject to CWA 316(b) requirements.

G. WATER QUALITY BASED LIMITATIONS/REPORTING

1. General Comments

Effluent limitations and/or conditions established in the draft permit are in compliance with State WQS and applicable State water quality management plans.

2. Implementation

The NPDES permits contain technology-based effluent limitations reflecting the best controls available. Where these technology-based permit limits do not protect water quality or the designated uses, additional water quality-based effluent limitations and/or conditions are included in the NPDES permits. State narrative and numerical water quality standards are used in conjunction with EPA criteria and other available toxicity information to determine the adequacy of technology-based permit limits and the need for additional water quality-based controls.

Procedures for Implementing NPDES Permits in New Mexico (NMIP), March 2012, part IV.D. (p. 8) "6. Human Health Data Requirements" state that human health criteria shall apply to all industrial users. It further states that persistent toxic pollutants, as identified in NMIP "Table 3. Persistent Pollutant Which Will Not Enter Into a Perennial Stream" shall also apply to discharges to ephemeral water bodies that will not enter a perennial stream or permanent water pool except in direct response to precipitation or runoff. Accordingly, the current permit established an one-time monitoring requirement for the following pollutants: Biochemical Oxygen Demand, 5-day (BOD_5), Chemical Oxygen Demand (COD), Total Organic Carbon (TOC), Total Suspended Solids (TSS), Hardness ($CaCO_3$), Ammonia (as N), Chlorine, Total Residual (TRC), Nitrate-Nitrite (as N), Antimony, (dissolved), Arsenic, (dissolved), Beryllium, (dissolved), Cadmium, (dissolved), Copper, (dissolved), Lead, (dissolved), Mercury, (dissolved), Nickel, (dissolved), Selenium, (dissolved), Silver, (dissolved), Thallium, (dissolved), Cyanide, weak acid dissociable (dissolved), Phenols, Aldrin, Chlordane, 4,4'-DDT and derivatives, Dieldrin, 2,3,7,8-TCDD dioxin, Hexachlorobenzene, PCBs, and Tetrachloroethylene.

Persistent pollutants which were detected include dissolved arsenic (0.0186 mg/l), dissolved copper (0.00111 mg/l), and dissolved nickel (0.00271 mg/l) and hardness ($CaCO_3$) of 170 mg/l is used to calculate the hardness-dependent standards. Dissolved arsenic in the discharge has demonstrated RP to exceed the 0.009 mg/l HH-OO standard for dissolved arsenic.

3. State Water Quality Numerical Standards

a. GENERAL COMMENTS

Stated previously, the designated uses of the receiving stream are livestock watering, wildlife habitat, limited aquatic life, and secondary contact.

b. WATER QUALITY STANDARDS

The NM WQCC adopted new WQS for the State of New Mexico. The revised WQS as amended through June 5, 2013, are available on the NMED's website at: http://www.nmenv.state.nm.us/swqb/Standards/. The WQCC established the revised WQS in accordance with, and under authority of, the NM Water Quality Act.

c. PERMIT ACTION - WATER QUALITY-BASED LIMITS

Regulations promulgated at 40 CFR 122.44(d) require limits in addition to, or more stringent than effluent limitation guidelines (technology based).

Water quality-based pH effluent limitation range 6.6 to 9.0 s.u. was established in the current permit. Because NMED conducted UAA and determined that the receiving stream is designated to be WQ Segment 20.6.4.97 for wildlife habitat, livestock watering, limited aquatic life and secondary contact uses, the pH of 6.6 – 9.0 does not apply to Segment 20.6.4.97, EPA proposes to establish a pH limit of 6.0 to 9.0 s.u. in the draft permit. The new designated use for the receiving stream as new information justifies the less stringent limitation.

A hardness (expressed as $CaCO_3$) monitoring parameter was added to the current permit to determine if the facility would require a WQ-based zinc effluent limit. Because zinc effluent data reported to EPA demonstrates no RP, monitoring requirements for zinc and hardness are proposed to be removed.

Because arsenic is determined to have RP, effluent limitations and monitoring requirements are established in the proposed permit renewal. Since the receiving stream is ephemeral the critical dilution is 100%. The HH-OO based monthly average effluent limitation is 0.009 mg/l.

Water quality-based effluent limitations are remained in the proposed permit for total residual chlorine (TRC). Although the permittee claims that chlorination is not applied in the system, the TRC effluent limitations and monitoring requirements are required based on NMIP whenever a facility uses chlorine in its process. Also, a TRC value reported in the Application Form 2C has exceeded the WQS of 11µg/L. The facility may need to de-chlorinate its cooling water blowdown if chlorinated portable water is used in the system. However, the established MQL for TRC is 33µg/L so the permittee may report “No Detect” (Refer to Part II. Other Conditions A. Minimum Quantification Level (MQL) of Permit) if TRC concentration is below the MQL. The effluent limitation for TRC is the instantaneous maximum and can not be averaged for reporting purposes. TRC shall be measured within fifteen (15) minutes of sampling.

4. Monitoring Frequency for Limited Parameters

Regulations require permits to establish monitoring requirements to yield data representative of the monitored activity 40 CFR 122.48(b) and to assure compliance with permit limitations 40 CFR 122.44(i)(1). TRC shall be measured once a week by instantaneous field measurement when chlorine is used. The flow and pH shall be monitored daily. Because limitation for arsenic is based on HH-OO standard and the discharge is to an ephemeral stream, grab sample with a

frequency of 1/year is proposed.

5. Whole Effluent Toxicity Requirements

Pursuant to the NMIP, 48-hour acute biomonitoring will be required for discharges from power facilities to ephemeral streams and will use the *Daphnia pulex* test species at a once per year frequency for the life of the permit. The test should occur in winter or springtime when most sensitive juvenile life forms are likely to be present in receiving water and colder ambient temperatures might adversely affect treatment processes. This will generally be defined as between November 1 and April 30. Because this facility is a peaking and standby plant and operates during warm season, so the WET testing month will be set to be the month when the first discharge occurs every year. The proposed permit requires five (5) dilutions in addition to the control (0% effluent) to be used in the toxicity tests based on a 0.75 dilution series. These additional effluent concentrations shall be 32%, 42%, 56%, 75%, and 100%. The critical dilution is defined as 100% effluent.

VII. 303(d) LIST

The Rio Grande, Stream Segment 20.6.4.105, from the Isleta Pueblo boundary upstream to the Alameda Street Bridge is listed as impaired for E. coli, dissolved oxygen, PCBs in fish tissue, and water temperature on the “State of New Mexico Part 303(d) List for Assessed Stream and River Reaches, 2014-2016." The facility may not have a reasonable potential to contribute those pollutants of concern. No additional monitoring requirements are added to address the impairment issues. The standard reopener language in the permit allows additional permit conditions if warranted by information available in the future.

VIII. ANTIDEGRADATION

The State of New Mexico has antidegradation requirements to protect existing uses through implementation of their WQS. The limitations and monitoring requirements set forth in the proposed draft are developed from the appropriate State WQS and are protective of those designated uses. Furthermore, the policy’s set forth the intent to protect the existing quality of those waters, whose quality exceeds their designated use. The permit requirements and the limits are protective of the assimilative capacity of the receiving waters, which is protective of the designated uses of that water.

IX. ANTIBACKSLIDING

The proposed permit is consistent with the requirements to meet antibacksliding provisions of the Clean Water Act, Section 402(o) and 40 CFR 122.44(l)(1), which state in part that interim or final effluent limitations must be as stringent as those in the previous permit, unless exceptions listed in subsection 402(o)(2)(A)-(E) or 40 CFR 122.44(l)(2)(i)(A)-(E) are met. The proposed permit remove the ELG-based zinc monitoring requirements and effluent limitations because the narrative restriction for zinc is more stringent. All of the changes represent permit requirements that are consistent with the States WQS or redefined designated uses.

X. ENDANGERED SPECIES CONSIDERATIONS

According to the most recent county listing available at http://ecos.fws.gov/ipac/, five species in Bernalillo County are listed as endangered (E) or threatened (T). The lone aquatic species is the Rio Grande silvery minnow (*Hybognathus amarus*) (E). Three species are birds and include the southwestern willow flycatcher (*Empidonax traillii extimus*) (E), the Mexican spotted owl (*Strix occidentalis lucida*) (T), and yellow-billed cuckoo (*Coccyzus americanus*) (T). The only mammal is the New Mexico meadow jumping mouse (*Zapus hudsonius luteus*) (E).

In accordance with requirements under section 7(a)(2) of the Endangered Species Act, EPA has reviewed this permit for its effect on listed threatened and endangered species and designated critical habitat. After review, EPA has determined that the reissuance of this permit will have "*no effect*" on listed threatened and endangered species nor will adversely modify designated critical habitat. EPA makes this determination based on the following:

1. The previous permit initiated Formal Consultation with the FWS for the discharge from the facility. EPA provided a Biological Evaluation (BE) to FWS March 27, 2001. The FWS responded to EPA's BE, August 20, 2001, Consultation # 2-22-01-I-592, concurring with EPA's "*no effect*" determination for the Southwestern flycatcher and its "*may affect, but not likely to adversely affect*" the Rio Grande silvery minnow. EPA determines that this permitting action has "no effect" on willow flycatcher and Mexican spotted owl, and has no effect on the Rio Grande silvery minnow beyond that already consulted in the 2001 consultation.

2. The yellow-billed cuckoo breeds from southern Canada south to the Greater Antilles and Mexico. While the yellow-billed cuckoo is common east of the Continental Divide, biologists estimate that more than 90 percent of the bird's riparian habitat in the West has been lost or degraded as a result of conversion to agriculture, dams and river flow management, bank protection, overgrazing, and competition from exotic plants such as tamarisk. Although, the action area is within the FWS proposed critical habitat area, this permitting action does not contribute to the species habitat loss or degradation as stated in the FWS Pacific Region News Release, dated June 7, 2001. Also, the discharges is intermittent and quantity is related small, 0.072 MGD, to an ephemeral and unpaved ditch to the Rio Grande. EPA, based on information available, determines that the discharge is likely to have "no effect" to the species and will not adversely modify the habitat.

3. The FWS proposed critical habitat in Bernalillo County is within the Isleta Pueblo territory. EPA determines that this permitting action has "no effect" on the species.

XI. HISTORICAL and ARCHEOLOGICAL PRESERVATION CONSIDERATIONS

The reissuance of the permit have no impact on historical and/or archeological sites. The reissuance of the permit will not result in construction activities on site.

XII. DOWNSTREAM TRIBAL WATERS

The Isleta Pueblo is located about 15 miles south of Albuquerque and is located downstream of the authorized PNM Rio Bravo discharge. EPA, based on information available, does not think the authorized discharge would cause any adverse impact to the tribal land or water. PNM Rio Bravo discharges to an unnamed ephemeral drainage, thence to the South Diversion Channel, thence to the Rio Grande below the Albuquerque WWTP discharge. While the highest monthly average discharge rate from the Rio Bravo plant is 0.072 MGD as reported in the Application, it is unclear how much effluent would reach Rio Grande when discharges occur. The design flow for Albuquerque WWTP is 76 MGD and the critical dilution used for toxicity testing for the Albuquerque WWTP is 61%. Therefore, the estimated low flow in Rio Grande above the Rio Bravo plant is about 124.6 MGD (= 76 ÷ 0.61). After mixing with the Rio Grande, any impact from Rio Bravo plant would be de minimis by the time the river crosses the Pueblo of Isleta.

A copy of the draft permit is being sent to the Pueblo of Isleta for review.

XIII. PERMIT REOPENER

The permit may be reopened and modified during the life of the permit if relevant portions of either States WQS are revised or remanded. Should either State adopt a new WQS, and/or develop or amend a TMDL, this permit may be reopened to establish effluent limitations for the parameter(s) to be consistent with that approved State standard and/or water quality management plan, in accordance with 40 CFR 122.44(d). Modification of the permit is subject to the provisions of 40 CFR 124.5.

XIV. VARIANCE REQUESTS

No variance requests have been received.

XV. CERTIFICATION

The permit is in the process of certification by the State Agency following regulations promulgated at 40 CFR 124.53. A draft permit and draft public notice will be sent to the District Engineer, Corps of Engineers; to the Regional Director of the U.S. Fish and Wildlife Service and to the National Marine Fisheries Service prior to the publication of that notice.

XVI. FINAL DETERMINATION

The public notice describes the procedures for the formulation of final determinations.

XVII. ADMINISTRATIVE RECORD

The following information was used to develop the proposed permit:

A. APPLICATION(s)

EPA Application Form 2C received August 29, 2014.

B. 40 CFR CITATIONS

Sections 122, 124, 125, 133, 136

C. STATE WATER QUALITY REFERENCES

New Mexico State Standards for Interstate and Intrastate Surface Water, 20.6.4 NMAC, as amended through June 5, 2013.

Procedures for Implementing NPDES Permits in New Mexico, March 2012.

State of New Mexico 303(d) List for Assessed Stream and River Reaches, 2014 -2016.

E. MISCELLANEOUS REFERENCES

NPDES Permit No. NM0030376 issued January 21, 2010.